

Benefits & Executive Compensation News

NFL Clubs Seek Fees From Former Linebacker Who Dropped Suit (1)

By Jacklyn Wille

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- Former player dropped suit for disability benefits
 - League council wants fees for 'baseless' suit
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The National Football League Management Council wants \$56,152 in attorneys' fees from a former linebacker who recently dropped his lawsuit accusing the league of shortchanging disability payments, according to court papers filed in the Southern District of New York.

Andre Royal should have to cover the management council's costs in defending his "baseless" lawsuit, which was a "near carbon-copy" of another former player's suit, the council said in a Nov. 14 court filing. Royal's decision to voluntarily dismiss the case is an "acknowledgement" that his claims lacked merit, according to the council.

Royal sued both the council and the league's players union, claiming that the head injuries he suffered over his five-season career with the Indianapolis Colts and Carolina Panthers entitled him to the highest level of disability benefits from the NFL plan. Royal claimed the plan incorrectly assigned him a lower level of benefits as part of a longstanding practice of undercutting the payments owed to former players and keeping them in the dark about plan terms.

Royal's case echoed claims made by former NFL safety Christopher Hudson in a lawsuit that was largely dismissed in September. The judge in that case said Hudson failed to show that the retirement plan's summary document was unclear about the process for obtaining disability benefits.

The management council said it is entitled to attorneys' fees under the Employee Retirement Income Security Act because it achieved some degree of "success on the merits" of Royal's case.

"Indeed, the strength of the NFLMC's motion to dismiss coupled with the *Hudson* court's decision to grant the NFLMC's motion to dismiss caused Plaintiff to change his position and voluntarily dismiss his claims," the council said.

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The case is *Royal v. Nat'l Football League Mgmt. Council*, S.D.N.Y., No. 1:19-cv-05164, motion for attorneys' fees 11/14/19.

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